"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2010-2012."

छत्तीसगढ़ राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 166] रायपुर, मंगलवार, दिनांक 15 जून 2010—ज्येष्ठ 25, शक 1932

विधि और विधायी कार्य विभाग
मंत्रालय, दाऊ कल्याण सिंह भवन, रायपुर

रायपुर, दिनांक 11 जून 2010

क्र. 5892/डी. 121/21-अ/प्रा./छ.ग./10.—भारत सरकार, विधि और न्याय मंत्रालय, के पत्र क्रमांक 2(3) विधायी-एक, नई दिल्ली, दिनांक 15-05-2010 के अनुसरण में दि इंडियन मेडिकल कौंसिल (अमेंडमेंट) ऑर्डिनेन्स, 2010 (क्र. 2 सन् 2010) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुनःप्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
आर. के. तिवारी, अतिरिक्त सचिव.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 15th May, 2010/Vaisakha 25, 1932 (Saka)

THE INDIAN MEDICAL COUNCIL (AMENDMENT) ORDINANCE, 2010

No. 2 of 2010

Promulgated by the President in the Sixty-first Year of the Republic of India.

An Ordinance further to amend the Indian Medical Council Act, 1956.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for her to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

Short Title and commencement.

1. *(1)* This Ordinance may be called the Indian Medical Council (Amendment) Ordinance, 2010.

(2) It shall come into force at once.

Insertion of new sections 3A, 3B and 3C.

2. After section 3 of the Indian Medical Council Act, 1956, the following sections shall be inserted, namely:- 102 of 1956.

Power of Central Government to supersede the Council and to constitute a Board of Governors.

'3A. (*1*) On and from the date of commencement of the Indian Medical Council (Amendment) Ordinance, 2010, the Council shall stand superseded and the President, Vice-President and other members of the Council shall vacate their offices and shall have no claim for any compensation, whatsoever.

(*2*) The Council shall be reconstituted in accordance with the provisions of section 3 within a period of one year from the date of supersession of the Council under sub-section (*1*).

(*3*) Upon the supersession of the Council under sub-section (*1*) and until a new Council is constituted in accordance with section 3, the Board of Governors constituted under sub-section (*4*) shall exercise the powers and perform the functions of the Council under this Act.

(*4*) The Central Government shall, by notification in the Official Gazette, constitute the Board of Governors which shall consist of not more than seven persons as its members, who shall be persons of eminence and of unimpeachable integrity in the fields of medicine and medical education, and who may be either nominated members or members, *ex officio*, to be appointed by the Central Government, one of whom shall be named by the Central Government as the Chairperson of the Board of Governors.

(*5*) The Chairperson and the other members, other than the members, *ex officio*, shall be entitled to such sitting fee and travelling and other allowances as may be determined by the Central Government.

(*6*) The Board of Governors shall meet at such time and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as is applicable to the Council.

(*7*) Two-third of the members of the Board of Governors shall constitute the quorum for its meetings.

(*8*) No act or proceedings of the Board of Governors shall be invalid merely by reason of-

(*a*) any vacancy in, or any defect in the constitution of, the Board of Governors; or

(*b*) any irregularity in the procedure of the Board of Governors not affecting the merits of the case.

(*9*) A member having any financial or other interest in any matter coming before the Board of Governors for decision, shall disclose his interest in the matter before he may, if allowed by the Board of Governors, participate in such proceedings.

(*10*) The Chairperson and other members of the Board of Governors shall hold office during the pleasure of the Central Government.

Certain modifications of the Act.

3B. During the period when the Council stands superseded,-

(*a*) the provisions of this Act shall be construed as if for the word "Council", the words "Board of Governors" were substituted;

(*b*) the Board of Governors shall-

(*i*) exercise the powers and discharge the functions of the Council under this Act and for this purpose, the provisions of this Act shall have effect subject to the modification that references therein to the Council shall be construed as references to the Board of Governors;

(*ii*) grant independently permission for establishment of new medical colleges or opening a new or higher course of study or training or increase in admission capacity in any course of study or training referred to in section 10A or giving the person or college concerned a reasonable opportunity of being heard as provided under section 10A without prior permission of the Central Government under that section, including exercise of the power to finally approve or disapprove the same: and

(*iii*) dispose of the matters pending with the Central Government under section 10A upon receipt of the same from it.

Power of Central Government to give directions.

3C. (*1*) Without prejudice to the provisions of this Act, the Board of Governors or the Council after its reconstitution shall, in exercise of its powers and in the performance of its functions under this Act, be bound by such directions on questions of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time:

Provided that the Board of Governors or the Council after its reconstitution shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(*2*) The decision of the Central Government whether a question is a matter of policy or not shall be final.'.

PRATIBHA DEVISINGH PATIL,
President.

V.K. BHASIN,
Secy. to the Govt. of India.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2010.